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CHAPTER 15

STATEWIDE WATER QUALITY MANAGEMENT PLANNING

SUBCHAPTER 4. WATER QUALITY AND WASTEWATER MANAGEMENT POLICIES AND PROCEDURES

7:15-4.1 (Reserved)

7:15-4.2 Projects and activities deemed to be consistent with WQM plans and this chapter

(a) The following treatment works are deemed to be consistent with WQM plans and this chapter:

1. Upgrades of domestic or industrial treatment works, including upgrades accomplished through construction of new treatment works at the same location, that do not exceed existing flows and do not exceed flows identified in areawide WQM plans. However, where levels of treatment are specified in areawide WQM Plans, upgrades that are not designed to achieve such treatment levels shall be deemed to be consistent only if such upgrades are in accordance with approved compliance schedules that provide for the future achievement of such treatment levels, and that are included in NJPDES discharge permits, court orders, or Department enforcement documents such as administrative orders or administrative consent orders.
2. Treatment works whose sole purpose is to abate an existing pollution problem, if such treatment works are required by the Department or USEPA.
3. Removal or remedial actions performed or required by the Department or by Federal agencies or by their agents, under the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. §§ 9601 et seq., or other statutes authorizing Department or Federal removal or remedial actions for hazardous substances.
4. Interim construction or interim expansion of, or interim connection with, domestic or industrial treatment works that are required by law to be abandoned or incorporated at a definite time into other treatment works:
 - i. That are under construction;
 - ii. For which contracts have been awarded for construction; or
 - iii. Whose construction is required by court order or Department order, or by a consent agreement to which the Department is a party.

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(b) The initial performance of emergency activities, including, but not limited to, emergency activities allowed by emergency permits issued pursuant to N.J.A.C. 7:14A-2.2, is deemed to be consistent with the WQM plans and this chapter. The Department may require the results of an emergency activity to be removed or modified after such initial performance, in order to obtain conformance with a WQM plan or this chapter.

7:15-4.3 Treatment works not identified in Water Quality Management Plans

(a) Except as provided in N.J.A.C. 7:15-4.2 or 4.4, the following treatment works are considered to be inconsistent with the areawide WQM plan, and shall require an amendment to that plan to be eligible for treatment works approvals, NJPDES discharge permits, or financial assistance under the Clean Water Act, U.S.C. §§ 1251 et seq., or under N.J.A.C. 7:22.

1. New domestic or industrial treatment works, or expansions of existing domestic or industrial treatment works, if such new treatment works or expansions are not identified in the existing areawide WQM plan, are not sewers or pumping stations, and would:

- i. Directly discharge to surface waters, or onto the land surface (for example, spray irrigation or overland flow facilities); or
- ii. Have a design capacity of 2000 gallons per day or larger.

2. New DTW that would conflict with or be outside of future sewer service areas depicted in the areawide WQM plan.

(b) The provisions of (a) above apply whether treatment works approvals are sought for both construction and operation, or for construction only, of treatment works.

(c) This section does not apply to the following treatment works:

1. Activities identified under N.J.A.C. 7:14A- 12.4 as not requiring treatment works approval;

2. Treatment works components that handle sludge only;

3. Industrial treatment works that do not handle process waste water or sanitary sewage; or

4. DTW that meet the criteria in N.J.A.C. 7:15- 5.18(c)6ii, if such DTW would provide service only in:

- i. Areas depicted under N.J.A.C. 7:15- 5.18(c)6 in adopted wastewater management plans; or

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ii. Areas identified as “on-site ground water disposal areas”, or identified by substantially equivalent names, in wastewater management plans that are adopted or in effect under N.J.A.C. 7:15-5.2.

7:15-4.4 Individual subsurface sewage disposal systems and other small domestic treatment works in sewer service areas

(a) Subject to the provisions of (b) and (c) below and of N.J.A.C. 7:15-5.19, depiction of future sewer service areas in wastewater management plans or elsewhere in areawide WQM plans shall not be construed to prohibit the lawful construction in such areas of the following DTW:

1. Individual subsurface sewage disposal systems for individual residences pursuant to N.J.A.C. 7:9A; or
2. Other DTW that would have a design capacity of less than 2,000 gallons per day, and use either subsurface sewage disposal systems or other sewage disposal systems that would not directly discharge to surface water or onto the land surface.

(b) DTW identified in (a) above shall be constructed in depicted sewer service areas only if legally enforceable guarantees are provided before such construction that the depicted sewer service will be used when it becomes available, and that any discharge to ground water will then be discontinued.

(c) DTW that are identified in a(2) above and that require treatment works approval shall not be constructed in the depicted sewer service area of a DTW on which a sewer connection ban is in effect under N.J.A.C. 7:14A-12.21, unless such construction would, even in the absence of the sewer connection ban, be cost-effective, environmentally sound, and feasible from the engineering standpoint.

7:15-4.5 Eligibility for financial assistance

Financial assistance under the Clean Water Act, 33 U.S.C. 1251 §§ et seq., or under N.J.A.C. 7:22, for planning, design, or construction of DTW shall be awarded only to Wastewater Management Agencies identified in a Statewide or areawide WQM Plan.